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THE UNIVERSITY OF ALASKA, SARA  
CHILDRESS IN HER INDIVIDUAL AND  
SUPERVISORY CAPACITY, CHASE  
PARKEY IN HIS INDIVIDUAL AND  
SUPERVISORY CAPACITY, SEAN  
MCCARTHY, JON TILLINGHAST

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

DANIEL MACDONALD,

Plaintiff,

v.

THE UNIVERSITY OF ALASKA, SARA  
CHILDRESS IN HER INDIVIDUAL AND  
SUPERVISORY CAPACITY, CHASE  
PARKEY IN HIS INDIVIDUAL AND  
SUPERVISORY CAPACITY, SEAN  
MCCARTHY, JON TILLINGHAST, AND  
JOHN DOES 1-25,

Defendant.

Case No. 1:20-cv-00001-SLG

**DECLARATION OF SARA CHILDRESS IN SUPPORT OF DEFENDANTS'  
RESPONSE IN OPPOSITION TO PLAINTIFF'S RENEWED EMERGENCY  
MOTION FOR A TEMPORARY RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

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I, Sara Childress, declare and state as follows:

1. I am the Director and Title IX Coordinator for the University of Alaska Anchorage. In that role I provide oversight of the Title IX office and investigators, including Chase Parkey (“Parkey”), at the Southeast campus, known as UAS. Additionally, I am the custodian of the records and as such able to testify to that the facts set forth herein are taken directly from the record in the Title IX investigation conducted by UAS—the records indicate as follows:

2. On October 21, 2019, Parkey, Acting Title IX Coordinator and Investigator at UAS received an email from a UAS staff member, Sean McCarthy (“McCarthy”), stating that during a meeting on or about October 18, 2019 with one of the Resident Advisor’s (“RA”) in Banfield Hall identified as C.M., alleged among other things, that Daniel MacDonald (“MacDonald”), another RA in Banfield Hall may be a “potential predator within the freshman hall.” C.M. told McCarthy that on several occasions MacDonald would refer to the freshmen girls as “‘sluts that would fuck anything’ and would brag about how they all wanted to sleep with him.” C.M. went on to tell McCarthy that MacDonald had liked her, and when MacDonald would make advances toward her she would state she was not interested. C.M. also stated that she told MacDonald she was aware of a situation with another RA at John Pugh Hall identified

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as D.P. who alleged that MacDonald had made inappropriate sexual comments to her as well. C.M. alleged that MacDonald immediately started dating a freshman girl after C.M. denied his advances and asserted her belief in D.P.'s statements.

3. On Saturday, October 19, 2019, McCarthy spoke with another RA, K.G., who was friends with both MacDonald and C.M. K.G. told McCarthy that MacDonald was "harassing" C.M. and that C.M. is "very trusting and didn't really understand what all was happening in the situation or that [MacDonald] liked her." MacDonald reports that C.M. is autistic, although the University cannot verify that fact. K.G. reported that she was told by C.M. that MacDonald would grab C.M.'s butt, try to kiss her and make remarks about wanting to be in a relationship with her. K.G. also stated that when C.M. invited MacDonald over, he would try to stay the night and sometimes succeed by saying things like "friends stay the night and often sleep in the same bed." It should be noted, that K.G. did not want to make a report, but McCarthy is a "responsible employee," or mandatory reporter under federal law, and therefore made the report to the Title IX office.

4. On October 21, 2019, the same day investigator Parkey received the email from McCarthy alleging potential sexual harassment, unwanted sexual comments, and

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predatory behavior, Parkey reached out to the first alleged victim, C.M., with reporting and counseling resources and requested to speak with her.

5. On October 28, 2019, C.M. responded to Parkey and met with him that day.

6. On November 4, 2019, a week later, Parkey met again with C.M. and she agreed to move forward with a formal investigation. After Parkey met with C.M. the University determined it had jurisdiction and commenced the internal Title IX investigation.

7. On November 11, 2019 I emailed a Notice of Investigation (dated November 8, 2019) to MacDonald and the two complainants, C.M. and D.P.<sup>1</sup>

8. Pending the outcome of its investigation, the only restrictions the University placed on MacDonald was that he was to avoid contact with D.P.<sup>2</sup>

9. Immediately following the transmittal of the NOI on November 11, 2019, MacDonald responded to Parkey's office, in-person and unannounced, asking to speak with Parkey. Parkey agreed to make himself available and met with MacDonald. During the meeting, MacDonald admitted to making sexually harassing comments to D.P., but denied unwanted sexual contact with C.M. This is evidenced by the recording

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<sup>1</sup> Docket 11-4 at 2.

<sup>2</sup> *Id.* at 3.

of the meeting between Parkey and MacDonald.<sup>3</sup> On the same date, November 11, 2019, Parkey reached out to the complainants separately requesting an interview.

10. The following is a timeline of the investigation proceedings between November 13, 2019 and January 27, 2020:

Date	Event
11/13/2019	Interview of C.M.
11/14/2019	Interview of D.P.
11/14/2019	Emails to McCarthy and K.G. requesting interviews
11/14/2019	Interview of McCarthy
11/14/2019	Interview of K.G.
11/14/2019	Emails to additional witnesses (4) requesting interviews
11/15/2019	Witness interview conducted
11/15/2019	Email to MacDonald regarding request to arrange time to speak about investigation.
11/17/2019	MacDonald responded to Parkey's request to speak and informed Parkey he would be utilizing an attorney, Joseph Lento, as his advisor in the investigation process.
11/18/2019	Parkey informed MacDonald he would need a FERPA release to speak with Lento.
11/18/2019	Signed FERPA release received.
11/18/2019	Email from MacDonald (cc to Lento) requesting specific information regarding the investigation.
11/19/2019	Two witness interviews conducted.
11/20/2019	Witness interview conducted.
11/21/2019	Email from MacDonald and Lento requesting availability for an

<sup>3</sup> MacDonald has had an opportunity to view all of the documents that comprise the facts in this Declaration during his review of the evidence gathered by Parkey and the Title IX Office as evidenced by Docket. 11-5. The documents are not provided here in an effort to maintain the confidentiality of the Title IX file. However, the documents could be submitted if the Court deems it necessary in reaching its decision.

Date	Event
	interview the week of December 9. Parkey responded with his availability for that week.
11/21/2019	Parkey notifies complainants and respondent he will be out of the office from 11/25 - 12/6/19. Parkey informed complainants and respondent to contact Childress if there is any issue while he is away.
11/22/2019	MacDonald and Lento request to meet for interview on December 13, 2019 at 8 a.m. The date/time was accepted by Parkey.
11/25/2019 to 12/06/2019	Parkey out of office
12/04/2019	Parkey receives an email from UAS Faculty Erica Hill regarding a conversation she had with her student, MacDonald, about his request for a letter for graduate school.
12/09/2019	K.G. contacts Parkey requesting to meet with him because she had learned additional information that she wanted to provide.
12/09/2019	Parkey emails complainants and respondent to notify them he was back in the office and available if they required any further assistance while the investigation continues.
12/09/2019	C.M. emails Parkey requesting to meet on December 11th.
12/11/2019	Email from MacDonald and Lento received requesting information on how the complaint was received. Parkey advised the complaint was received by a "responsible employee of the University."
12/11/2019	Parkey interviewed C.M. about additional details that came out of speaking with witnesses.
12/11/2019	Parkey emailed D.P. requesting to meet.
12/11/2019	Parkey emails an additional 3 witnesses requesting times to meet.
12/12/2019	Parkey interviewed MacDonald (Advocate Lento present via Zoom).
12/12/2019	Parkey interviewed witness A.M.
12/12/2019	Parkey interviewed witness I.B.
12/13/2019	Parkey interviewed witness S.C.
12/13/2019	Parkey interviewed D.P.
12/19/2019	Parkey email to complainants and respondent regarding winter break closure from December 21, 2019 - January 6, 2020.
12/19/2019	Parkey email to complainants and respondent that he would be out of office from January 5-11, 2020.

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Date	Event
12/21/2019 - 01/06/2020	University closure - winter break
01/05/2020 - 01/11/2020	Investigator Parkey out of office
01/20/2020	Parkey received an email from MacDonald stating he felt like K.G. was retaliating against him. He mentioned the basis of this being a comment she made about killing him, which he had previously disclosed in his interview.
01/20/2020	Parkey responds to MacDonald's email regarding K.G. requesting clarification as well as letting him know the evidence review process would take place soon.
01/21/2020	Parkey email to Lento (MacDonald's Advocate) with non-disclosure agreement regarding the evidence review.
01/22/2020	Parkey received a signed non-disclosure agreement from Lento on behalf of MacDonald.
01/22/2020	Parkey emailed complainants and respondent with instructions on how to complete the evidence review process along with a link to all evidence obtained during the investigation. The email included the evidence review guidelines and the individual evidence review packets.
01/22/2020	Parkey received an email from MacDonald of ten screenshot images of text messages between MacDonald and C.M. MacDonald claimed he was feeling retaliated against in this email, so Parkey opened a new case.
01/23/2020	Parkey received an email from D.P. that she reviewed the evidence and had no comments, changes, or additions.
01/27/2020	Parkey received email from MacDonald and Advocate Lento in response to the evidence review and alleging MacDonald had been treated unfairly. <sup>4</sup>
02/07/2020	Investigator Parkey decides to move family out of Alaska, tenders resignation.

<sup>4</sup> See Docket 11-5.

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Date	Event
03/30/2020	Jon Tillinghast hired

11. At no point during the investigation, including today, MacDonald has not been denied access to the UAS campus, residence life, or his courses of study as a result of the subject investigation. The only limitation placed on MacDonald was to have no contact with one of the complainants, D.P.<sup>5</sup>

12. The University's regulations regarding investigation timelines specifically state that investigations may be "extended for good cause," including "the availability of individuals and evidence relevant to the investigation...school breaks, or to address other legitimate reasons." Additionally, the regulations state that "the complainant or respondent may request an extension with a showing of good cause." Here, MacDonald and his counsel requested almost a month in delay, and the University granted the request. However, because of the delay due to MacDonald's request, the investigation overlapped with time that Parkey was unavailable due to training and University holidays (closure), thereby resulting in good cause to extend the investigation for completion.

13. The undersigned was unaware of any objection or complaints made by MacDonald or his counsel to the investigative timelines until March 2020.

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<sup>5</sup> See Docket 11-4 at 3.



14. The University continues to investigate the subject Title IX proceeding against MacDonald.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: May 5, 2020.

s/Sara Childress

### CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2020 I filed a true and correct copy of the foregoing document with the Clerk of the Court for the United States District Court – District of Alaska by using the CM/ECF system. Participants in Case No. 1:20-cv-00001-SLG who are registered CM/ECF users will be served by the CM/ECF system.

s/ Michael E. O'Brien

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